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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brian C. Barnes, et al

Serial No.: 10/005,248

Filed: December 3, 2001

For: Method And Apparatus For Restricted
Execution Of Security Sensitive Instructions

Group Art Unit: 2132

Examiner: Lemma, Samson B.

Atty. Dkt. No.: 2000.056500/TT4085

Confirmation No.: 7937


REPLY BRIEF

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Sir:

Appellants file this Reply Brief in response to the Examiner's Answer mailed August 23, 2007. The two-month reply deadline is Monday, October 23, 2007. This Reply Brief is being filed along with a one-month extension of time on or before the November 23, 2007, therefore, it is timely filed.

A one-month extension of time is required to enable this paper to be timely filed and since there is no separate Petition for Extension of Time filed herewith, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

A fee of \$120.00 is believed to be due as result of filing the present paper. The Commissioner is hereby authorized to deduct said fee from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2000.056500. No additional fee is believed to be due. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to

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this document, the Commissioner is hereby authorized to deduct said fee from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2000.056500.

REMARKS

Appellants respectfully submit that the Examiner erred in rejecting claims 1-24. Appellants respectfully request that the rejection of claims 1-24 over the prior art be reversed.

In the Examiner's Answer, the Examiner again focuses on the resource identifier provided by the *kernel* in U.S. Patent No. 5,802,590 (*Draves*) to argue anticipation of claims of the present invention. Examiner's arguments hinges of the premise that the resource identifier serves the purpose of anticipating both of the first and second security identifiers of claims of the present application. However, this is improper. The Examiner alleges that a resource identifier comprising the handle/key pair associated with the same process /program/code corresponds to the second security ID associated with the software code. In the Examiner's Answer, the Examiner uses a resource identifier relating to a spreadsheet program as the first identifier of the claims. At the same time, the Examiner uses the resource identifier for a word processor as the second identifier of the claims. But these are different process/program/code. *Draves* fails to obtain the second security ID for the software code running on the processor and does not teach or suggest executing the requested instruction or set of instructions providing that the second security ID associated with the software code running on the processor matches the first security ID, as set forth in independent claim 1. The Examiner's attempt to stretch the disclosure of *Draves* to use the resource identifiers meant for different processes/programs fall short of the first and second identifiers of claims of the present application.

Further, the attempts to Examiner cannot satisfy two claim rejection features with the same element. The Examiner uses the same "process" in *Draves* to satisfy the requirement of "instruction" and another distinct requirement of the "software code" that executes the "process,"

i.e., instruction(s), as set forth in claims of the present application. The Examiner attempts to use various components of **Draves** and piece them together to read upon the elements of the claims, such as “instruction” requirement, as well as the separate “software code” that executes the “process” requirement of claims of the present invention.

Simply put, piecing together the bits and pieces of **Draves** would not teach or make obvious at least does not teach requesting to execute at least one of the plurality of instructions or set of instructions by a software code running on the processor. Additionally, **Draves** does not teach obtaining a second security ID associated with the software code or comparing such a second security ID with a first security ID of the instructions. **Draves** at least does not teach requesting to execute at least one of the plurality of instructions or set of instructions by a software code running on the processor. Additionally, **Draves** does not teach obtaining a second security ID associated with the software code or comparing such a second security ID with a first security ID of the instructions.

Further, other cited prior art (*i.e.*, U.S. Patent No. 4,949,238 [**Kamiya**] and/or U.S. Patent No. 4,962,533 [**Krueger**]) do not make up for the deficit of **Draves**. **Kamiya** describes an apparatus for detecting memory protection violations in microprogram controlled data processors. **Kamiya** fails to disclose or make obvious requesting to execute at least one instruction by the software code running on the processor and executing the requested instruction. Accordingly, the addition of **Kamiya** to **Draves** still fails to teach or make obvious a first security identification (ID) being associated with each of the requested instruction(s) to be executed by a software code with which a second security ID is being associated for restricting the execution of the requested instruction(s) by the software code. The combination of **Kamiya** and **Draves** also fails to teach or suggest obtaining the second security ID associated with the

software code that is requested to execute at least one instruction with which the first security ID is being associated, as set forth in claims of the present application.

Further, the Examiner's use of *Krueger* to describe associating a first security ID comprises classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive is without merits. However, *Krueger* does not disclose or make obvious classification of an instruction accessing a word in the memory. Instead, to control user access to data within a computer system, the *Krueger* computer system classifies data at the level which is needed to provide a security technique. Consequently, *Krueger* does not describe or make obvious classifying at least one instruction or set of instructions from a plurality of instructions that are to be executed by a processor as being security sensitive. Therefore, the combination of *Draves* and *Krueger* does not teach or make obvious all of the elements of claims of the present invention.

For at least the aforementioned reasons, Appellants respectfully request the Board reverse the Examiner's rejections of all the pending claims. The undersigned agent may be contacted at (713) 934-4069 with respect to any questions, comments or suggestions relating to this appeal.

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Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON

Date: November 23, 2007



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